

REMARKS

I. **Status of the Claims**

This paper is filed in response to the Final Office Action mailed September 13, 2004. The amendments and remarks that are presented place the application in better condition for allowance or appeal. Applicants thus request entry of this amendment under 37 C.F.R. 1.116.

Claims 1-4, 7-16, 18, 19, 23 and 25-29 are pending. Upon entry of this amendment, a number of claims are amended and claim 25 canceled. These claims are amended or canceled without prejudice or disclaimer. Applicants retain the right to prosecute the unamended or original claims in this or another application.

The amendments to the claims are supported throughout the specification including, for example, page 10, line 24 to page 11, line 10.

II. **Interview**

The undersigned thanks Examiner Maher Haddad and Examiner Christina Chan for the courtesy they extended the undersigned in discussing this application during an interview conducted on November 16, 2004. The amendments that are presented in this paper incorporate the suggestions made during the interview and are believed to put the application in condition for allowance.

III. **Claim Rejections under 35 U.S.C. 112, First Paragraph**

Claims 1-4, 7-14, 16, 18-19, 23 and 25-29 stand rejected under 35 U.S.C. 112, first paragraph as not being enabled by the specification. In response, Applicants reiterate a point made in the last response, namely that the specification enables the current claims because it provides considerable details regarding the currently claimed antibodies and antibody fragments thereof. The specification, for example, describes multiple antibodies that have actually been reduced to practice and also provides a wealth of structural detail relevant to the claimed antibodies. The specification, for instance, describes 10 specific antibodies that fall within the scope of claim 1 (see, e.g., page 14, lines 26-34) that have been deposited with an

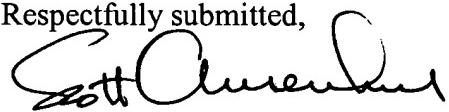
Amdt. dated December 10, 2004

Amendment under 37 CFR 1.116 Expedited Procedure Examining Group

accepted depository. Furthermore, the specification provides complete sequences for a number of scFvs, as well as variable domains and CDRs, of antibodies having the activity recited in the claims. The application also provides an extensive description of peptides that have the desired activity and identifies regions of these peptides that are tolerant to alteration and/or can be changed to improve certain desired properties of the peptides (see, e.g., pages 38-56). Thus, the specification provides adequate guidance such that one of ordinary skill in the art could make antibodies or fragments thereof that fall within the scope of the current claims without undue experimentation.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Scott L. Ausenhus
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
SLA:sla
60373391 v1